HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 12114 OF 1999

12th July, 2006

Between:
S.Mary Jones

… Petitioner

And

The Commissioner & Diector of School Education
Government of A.P., Hyderabad and others.

… Respondents.

ORDER:

The petitioner joined third respondent-college as lecturer after serving as teacher for some years under the same management. As there was a vacancy of Reader, the petitioner was initially promoted to the said post by third respondent-college on 1.8.1997. While working so, again proceedings were issued on 1.3.1998 promoting the petitioner to the post of Reader and proposals were submitted to the first respondent for approval. The grievance of the petitioner is that though she was promoted as Reader with effect from 1.8.1997, no benefits attached to the said post were extended to her. The petitioner retired from service on 31.9.1998. Aggrieved by the action of the respondents in not extending the benefits attached to the post of Reader, the petitioner filed this writ petition for direction to treat that the petitioner was promoted as Reader in M.Ed. Department of third respondent-college with effect from 1.8.1997 and to extend all consequential benefits.

Though counter affidavit is not filed, the learned Government Pleader has produced the para-wise remarks furnished to him by the first respondent.

Government has framed rules in G.O.Ms.No.526, Education, dated 21.12.1988, which require constitution of Staff Selection Committee for the purpose of making appointments. As per the procedure prescribed therein, there should be a nominee from the Government in such a committee for making appointments. When the proposals were sent for approval by giving promotion to the petitioner as Reader, the Commissioner and Director of School Education by proceedings dated 29.12.1998 returned the said

proposals to the Correspondent by directing the management to first place the proceedings relating to promotion before the duly constituted Selection Committee as per the rules framed in G.O.Ms.No.526 and then to forward the same for approval. But, however, it is stated that in spite of such a request being made by the petitioner, no committee was constituted to consider the promotion of the petitioner as Reader.

It is submitted by Sri G.Pedda Babu, learned counsel for the petitioner that there was no fault on the part of the petitioner and in spite of repeated requests from the petitioner, third respondent-institution has not constituted the selection committee, and, therefore prays that the petitioner may be treated as promoted to the post of Reader and direction may be given to extend all the benefits attached to the said post. He also states that earlier, certain promotions given by the third respondent were ratified.

Even when orders were passed promoting the petitioner as Reader, G.O.Ms.No.526 was in force. The instances cited by the petitioner, where subsequent approval was granted by the first respondent, were prior to the issuance of G.O.Ms.No.526 dated 21.12.1988. The rules framed in the said G.O. are also applicable to the minority aided colleges for giving effect to the promotions in the aided posts. It is stated that the College of Education is fully aided college and Reader in M.Ed. course is an aided post. In that view of the matter, there was no valid selection at all of the petitioner as Reader, as much as the petitioner was not selected by any duly constituted committee as per the rules framed in G.O.Ms.No.526, dated 21.12.1988. The proposals were sent after passing of the orders promoting the petitioner as Reader by the Correspondent and the same were returned on 29.12.1998. But, even before that, on 31.9.1998 itself, the petitioner retired from service. In that view of the matter, as the proposals sent by the management were not approved and merely because the 3rd respondent-college has not

constituted the selection committee as per the request made by the petitioner, petitioner cannot seek the relief to treat that she was promoted as Reader with effect from 1.8.1997 for the purpose of extending the service benefits. In that view of the matter, I do not find any valid ground for grant of the relief prayed for in the writ petition. The writ petition is devoid of any merits and is accordingly dismissed. No costs.

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12.7.2006

(R.SUBHASH REDDY, J.)

VR.